

K Great Brit. - George III

No 41

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A C T

F O R

Dividing and inclosing the several open and common Fields, Meadows and Commons, within the Lordship or Liberty of Quorndon, in the County of Leicester.



H E A R E within the Lordship or Liberty of *Quorndon* Preamble.
don, in the Parish of *Barrow upon Soar*, in the County of *Leicester*, are several open and common Fields, Meadows and Commons, computed to contain one thousand six hundred and twenty Acres, or thereabouts:

And whereas the Right Honourable *Francis* Earl of *Huntingdon* is Lord of the Manor of *Quorndon* aforesaid, and a Proprietor of Land in the said Fields; and *Ann Bowles*, Widow, is Improphetrix of the great Tithes arising, happening and encreasing within the said open Fields, Meadows and Commons (except as to some particular Parts and Parcels thereof) and also within certain antient Inclosures within the said Lordship or Liberty of *Quorndon* aforesaid, and a Proprietor of Lands and Grounds there; and the Master, Fellows and Scholars of *St. John's College*, within the University of *Cambridge*, are Patrons to the Vicarage or Parish Church of *Barrow upon Soar* aforesaid; and the Reverend *William Burrow*, as the present Vicar thereof,

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thereof, in Right of the said Vicarage, is intitled to one Moiety or half Part of the small Tithes arising or happening within the said open and common Fields, Meadows and Commons (except as to some particular Parts thereof) and within certain of the said antient Inclosures; and *Edward Farnham*, Esq; is intitled to the other Moiety or half Part of the small Tithes arising or happening within the said open and common Fields, Meadows and Commons (except also as to some particular Parts thereof) and within certain of the said ancient Inclosures, and is also a considerable Proprietor of Lands and Grounds there; and *Sir Wolstan Dixie*, Bart. *Sir John Danvers*, Bart. *Hugo Meynell*, Esq; *James Modyford Heywood*, Esq; *William Burrow* and others, are the Owners and Proprietors of the Residue of the Lands and Grounds in the said Fields and Meadows; and together with the said Earl and other the Proprietors, are intitled to Rights of Common in the said Commons, in different Proportions:

And whereas the several Lands and Grounds of the said Proprietors lie intermixed and dispersed in small Parcels in and over the said Fields and Meadows in *Quorndon* aforesaid, and are capable of great Improvement by Inclosure:

And whereas the said Earl of *Huntingdon*, *Ann Bowles*, *William Burrow*, *Edward Farnham*, *Sir Wolstan Dixie*, *Sir John Danvers*, *Hugo Meynell*, *James Modyford Heywood*, and others, Owners and Proprietors of Lands and Grounds in the said open and common Fields and Meadows, and intitled to the Rights of Common in the said Commons, are desirous that the same may be divided and inclosed; and that specific Parts and Shares thereof may be assigned and allotted to and amongst the several Proprietors, according to their respective Properties, Rights of Common, and Interest therein, in such Manner, and subject to the Rules, Directions and Provisoos herein after inserted, provided, and declared, of and concerning the same:

May it therefore please your Most Excellent MAJESTY,

That it may be Enacted, and be it Enacted, by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Davys*, and *John Kirkland*, both of *Loughborough*, in the said County of *Leicester*, Gentlemen, *William Wyatt*, of *Seany Park*, in the County of *Stafford*, Gentleman, and *Thomas Oldknow*, of the Town and County of the Town of *Nottingham*, Gentleman, and their Successors, to be elected in Manner herein after mentioned, shall be Commissioners, for dividing the said several open and common Fields, Meadows and Commons, and for putting this Act in Execution.

And for the more just and regular Division and Distribution of the Lands and Grounds so intended to be divided and inclosed, as aforesaid,

Commissioners.

Survey and
Admeasurement to be
made.

said, and for the better ascertaining the same, **It is hereby further Enacted and Declared**, by the Authority aforesaid, That the said Fields, Meadows and Commons, shall be surveyed and measured by the said Commissioners, or any three or more of them, or by such Person or Persons as they, or any three or more of them, shall appoint; and a Plan made and taken by him or them thereof; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods and Perches, belonging to each and every Proprietor in the said Fields and Meadows, shall be therein set forth, ascertained and declared; and also the Number of Acres, Roods and Perches contained in the said Commons, shall be therein ascertained; which Survey, Admeasurement and Plan, shall be delivered to the said Commissioners, or any three or more of them, on or before the first Day of *October* next, or so soon after as conveniently may be; and the Person or Persons taking such Survey, shall admeasure all Lands and Hades, of the same Denomination of equal Breadth.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any three or more of them, shall have full Power and Authority, and they are hereby authorised and required, at any Time or Times after the said Survey shall have been delivered to them, but before the twenty-first Day of *March*, One thousand Seven hundred and Sixty-three, or so soon after as conveniently may be (subject nevertheless to the Rules, Provisoos, Orders, and Directions herein after contained) in the first Place, to set out and appoint two or more Pieces or Parcels of Land or Ground in some Parts of the said Fields, Meadows or Commons, as they shall think proper, which shall contain together at least four Statute Acres, and in such Part and Parts of the said Lordship or Liberty, as they shall deem most convenient, for the getting of Gravel, Stone and Sand, for the repairing of the publick Roads and Ways, to be set out and appointed as herein after directed, and for the Use of the Inhabitants and Freeholders of *Quorndon* aforesaid; and then shall and do, in the next Place, set out and allot unto and for the said *Francis* Earl of *Huntingdon*, his Heirs and Assigns, over and above, and exclusive of such Share or Allotment as shall, in Pursuance of this Act, be allotted to him in Lieu of his Land and Ground in the said Fields and Meadows, and his Right in the said Commons, in respect of such Land or Ground, such Parcel and Quantity of the said Fields, Meadows, and Commons, Quantity and Quality considered, as shall be equal in Value to one full twentieth Part or Share, in Statute Measure, of the Common called the *Pasture*, and other the Commons or waste Grounds within the said Lordship or Liberty of *Quorndon* aforesaid, in Lieu and Satisfaction for his Right and Interest in and to the Soil of the said Commons, and his Consent to the Inclosure of the same; and in the next Place, the said Commissioners, or any three or more of them, shall set out and allot unto and for the said *Ann Bowles* in lieu of the great Tithes arising or happening within

Commissioners to make Allotments.

within the said Fields, Meadows, and Commons, so much and such Part of the Residue of the said Fields, Meadows, and Commons, as (Quantity, Quality, and Situation considered) shall upon the Inclosure thereof be, in the Judgment of the said Commissioners, or any three or more of them, of the yearly Value of Ninety Pounds, and such further Allotment or Proportion of Land or Ground in the said Fields, Meadows, and Commons, as in the Judgment of the said Commissioners, or any three or more of them, shall be a just and proper Allotment for the great Tithes of such of the said antient Inclosures as now pay Tithes; which said two Allotments to be made to the said *Ann Bowles*, shall be in lieu of, and full Satisfaction for all her great Tithes arising, happening, or increasing out of, or from the several Fields, Meadows, and Commons, and such the said antient Inclosures (but not for such Part and Parcel of the said ancient Inclosures whereof no Allotment in lieu of Tithes shall be made, and the Wood-land Ground within the said Lordship or Liberty;) and in the next Place, to set out and allot unto and for the said *William Burrow* and his Successors, as Vicars aforesaid, so much, and such Part and Parcel of the Residue of the said Fields, Meadows and Commons, as (Quantity, Quality, and Situation considered) shall be an Equivalent and Satisfaction for the Lands and Grounds in the said Fields and Meadows whereunto he is now intitled, and then shall and do set out, and allot unto, and for the said *William Burrow*, and his Successors, as Vicars as aforesaid, such Parcel or Parcels of the Residue of the said Fields, Meadows, and Commons, as shall, in the Judgment of the said Commissioners, or any three of them, upon the Inclosure thereof, be of the yearly Value of Six Pounds and Ten Shillings, clear of all Taxes and Assessments; which said Allotment, so to be made to the said *William Burrow* and his Successors, Vicars as aforesaid, shall be in lieu, Recompence, and full Satisfaction for his said Moiety, or half Part of the said small Tithes arising from the said Fields, Meadows, and Commons, and the said ancient Inclosures as now pay Tithes (Surplice Fees, Easter Dues, and Mortuaries, and other Money Payments, arising or becoming due within the said Lordship or Liberty of *Quorndon*, and payable to the said Vicar of the said Vicarage, always excepted and reserved to the said *William Burrow* and his Successors, Vicars as aforesaid;) and in the next Place, to set out and allot unto, and for the said *Edward Farnham* and his Heirs, so much and such Part and Parcel of the Residue of the said Fields, Meadows and Commons, as (Quantity, Quality, and Situation considered) shall, in the Judgment of the said Commissioners, or any three or more of them, upon the Inclosure thereof, be of the yearly Value of six Pounds and Ten Shillings clear also of all Taxes and Assessments; which said Allotments, so to be made to the said *Edward Farnham*, shall be in lieu of full Satisfaction and Compensation for his said Moiety, or half Part of the said small Tithes arising, or encreasing within the said Fields, Meadows and Commons, and the said antient Inclosures, as now pay Tythes;
and

and then that the said Commissioners, or any three or more of them, shall, and do divide, set out, assign, and allot the then Residue of the said Fields, Meadows, and Commons unto, between, and amongst the said Earl, *Ann Bowles*, *Edward Farnham*, *Sir Wolstan Dixie*, *Sir John Danvers*, *Hugo Meynell*, *James Modyford Heywood*, and the rest of the Owners and Proprietors of Lands and Grounds in the said Fields, Meadows, and Commons, in Proportion to their several and respective Shares, Interests, and Right of Common and other Properties in, upon, and over the said Fields, Meadows and Commons intended to be inclosed as aforesaid, or any Part or Parts thereof, except as to such Shares, Rights, Properties and Interests, in respect whereof Allotmentes are herein before directed to be made.

Provided always, and be it Enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any three or more of them, shall and may ascertain, set out, and appoint both public and private Ways or Roads, through the said Fields, Meadows and Commons so intended to be inclosed, with the Assize and Breadth thereof, so as all such public Roads to be made shall remain forty Feet broad at least between the Ditches; and which said public Roads or Ways, except Bridle Roads and Foot Ways, in case such shall be set out by the said Commissioners or their Successors, or any three or more of them, shall be ever afterwards amended and repaired at the general Expence of the Inhabitants of *Quorndon* aforesaid, in the same Manner as the present public Roads there are or ought to be repaired; and that all such Bridle Roads, Foot-ways, and private Ways, as aforesaid, shall be for ever amended and repaired at the Expence of all or such of the said Proprietors, in such Manner as the said Commissioners or their Successors, or any three of them, shall, in that Behalf, order, direct, and appoint; and that it shall not be lawful for any Person or Persons afterwards to use, or claim the Use of any Roads or Ways, either old or new, public or private, over, within, or through the said Fields, Meadows, and Commons intended to be inclosed, or any Part or Parts thereof, either on Foot or with Horses, Cattle, or Carriages, other than such Roads and Ways as shall be so ascertained, set out, and appointed by the said Commissioners, as aforesaid; and that all former Roads and Ways, or so much of them as shall not be set out and appointed as the Roads and Ways through the said intended Inclosure, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted as Part thereof.

Provided always, nevertheless, That nothing herein contained shall extend, or be construed to extend, to give the said Commissioners, or any of them, any Power or Authority to divert, change, or alter the present great Post or Turnpike-Road, leading from *Loughborough*, in the said County of *Leicester*, to the Borough of *Leicester*, in the said County of *Leicester*.

Commissioners to set out Roads.

Not to alter Post Road.

No Preference
to be given.

Provided also, and it is hereby Enacted and Declared, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested or concerned in the said intended Division and Inclosure, in respect to their respective Allotments or Shares in the said Fields, Meadows, and Commons; but that the said Commissioners, in making their Allotments, shall have due Regard as well to the Quality as the Quantity of the Lands and Grounds so to be divided, and the Situation and Contiguity of the same to the Dwelling-Houses of the several Proprietors, to and for whom the same shall be respectively assigned and allotted; and in making the Allotments to the said *Ann Bowles, William Burrow, and Edward Farnham*, in Lieu of their said respective Tythes, shall make such Allotments out of the Lands and Grounds of such of the Proprietors, whose Properties are now liable to the Payment of Tythes, and not out of, or from, the Lands or Grounds of any Proprietor, whose Property is not liable to the Payment of such Tythes.

Lammas Closes
may be set
out to Pro-
prietor.

Provided also, and be it further Enacted, by the Authority aforesaid, That if any of them, the said *Francis Earl of Huntingdon, Ann Bowles, William Burrow, Edward Farnham, Sir Wolstan Dixie, Sir John Danvers, Hugo Meynell, James Modyford Heywood*, and other Person and Persons, being Owners and Proprietors of one or more Close or Closes, commonly called or distinguished by the Name of *Lammas Closes*, within the said Fields or Meadows, shall be desirous of keeping and retaining the same, and shall signify in Writing such his, her, or their Desire to the said Commissioners, or any three or more of them, at their first Meeting held in Pursuance of this Act, or within one Month next afterwards; that then, and in such Case, the said Commissioners, or any three or more of them, shall set out, ascertain, and allot such Close or Closes unto such Person or Persons respectively who shall give such Notice in Writing; and in case any *Lammas Close* shall belong to more than one Proprietor, the same shall be allotted to such Proprietor as shall have the greatest Share in the same Close, if he or she shall desire the same, and signify his, her, or their Desire in Manner aforesaid, provided he, she, or they shall be possessed of or intitled to other Lands or Grounds in the said Fields, Meadows or Commons, equal in Value to such Part or Parts of the said *Lammas Close* or *Lammas Closes*, as he, she or they shall not be intitled to, so as the same may, by Virtue of this Act, be allotted in lieu thereof.

Lands, if de-
sired; to be
set out in one
Parcel.

Provided always, and be it further Enacted, That two or more Proprietors of, or Persons interested in the said Fields, Meadows or Commons, each having, or being intitled to have, not more than three Statute Acres of such Land, Ground or Common in the said Fields, Meadows, or Commons, shall and may have their Shares and Pro-

Proportions allotted together in one Parcel of Ground, in case they shall request the same, and give Notice in Writing to the said Commissioners in Manner as aforesaid.

Provided also, and be it further Enacted, That if any Dispute or Difference shall arise between the Parties that now are or shall be, before the making the Award herein after-mentioned, interested in the said intended Division or Inclosure, or any of them, touching or concerning the respective Shares, Rights and Interest, which they, or any of them, shall claim in the said Fields, Meadows and Commons, intended to be allotted and inclosed as aforesaid, touching or concerning the respective Shares and Proportions which they, or any of them, ought to have of or in the said intended Division or Inclosure; it shall and may be lawful to and for the said Commissioners, or any three or more of them, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any three or more of them, are hereby authorized and empowered to administer) and upon other proper and sufficient Inquiry, Evidence and Satisfaction, to hear and finally determine the same; which Determination shall be binding and conclusive to all Parties concerned or interested in the said Inclosure.

And it is hereby further enacted, That the Herbage growing, and renewing, in and upon the said Pieces or Parcels of Land or Ground to be allotted for the getting of Gravel, Stone, and Sand as aforesaid, and in and upon all and every the public Roads and Ways to be set out, within the said Lordship or Liberty, shall be, and is hereby vested in the Surveyor or Surveyors of the Highways of *Quorndon* aforesaid, for the Time being, in Trust to let and set the same for the best and most Rent that he or they can get for the same; and apply the Rents and Profits thereof in repairing the said publick Roads and Ways, so to be laid and set out as aforesaid, and to account with the Inhabitants of *Quorndon* aforesaid touching and concerning the Receipt and Application of the said Rents, annually, on the *Wednesday* in *Easter-Week*, at the Church of *Quorndon* aforesaid, and to pay the Balance of such Account in such Manner as the Majority of the said Inhabitants of *Quorndon* then assembled, shall, by Writing under their Hands, order or direct; so that the same may and shall be applied for the Purposes aforesaid: And in in case of Refusal at any Time by any such Surveyor or Surveyors to render such Account, or to pay such Balance or any Part thereof, in Manner aforesaid, then, and in such Case, any two or more of his Majesty's Justices of the Peace, for the said County of *Leicester*, are hereby authorized and empowered in a summary Way, upon the Application of any two or more of the Inhabitants of *Quorndon* aforesaid, to oblige such Surveyor or Surveyors to state and settle such his Accounts before them, upon Oath, if thereunto required; and each and every Balance of every such Surveyor or Surveyors Account, either settled by the said Justices, or by the said In-

Commissioners may determine Differences.

Herbage of the Land set out for Gravel and publick Roads, how to be disposed of.

Inhabitants of *Qyorddon*, and all reasonable Costs and Expences occasioned by such Refusal or Refusals, shall be recoverable in such Manner as the said Justices shall order and direct.

Fences to be made.

And it is hereby further Enacted and Declared, That all the Hedges, Ditches and Fences to be made for the inclosing and dividing the said open and common Fields, Meadows and Commons, pursuant to this Act; shall, within the Space of eighteen Months next after the signing and sealing such Award or Instrument, as aftermentioned, be made, and at all Times hereafter repaired by and at the Expence of such Person or Persons, and in such Manner as the said Commissioners, or any three or more of them, shall, by their said Award or Instrument, direct or appoint; and that for the better preserving their young Hedges, it shall and may be lawful to and for the respective Persons, to whom any Share or Allotment shall be assigned and allotted by Virtue of this Act, from Time to Time, and at all Times during the Term of eight Years next after such Award or Instrument, to set down and place Posts and Rails, back-fence by throwing up Earth, or make any other Fence on the Outside of the Ditches bounding their respective Allotments, not exceeding three Feet from such Ditches; and at any Time before the End of the said Term, to remove, take and carry away such Posts and Rails, or other Fences, and convert the same to their respective Uses: **And it is hereby**

Openings to be left.

further Enacted and Declared, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of twelve Calendar Months next after the Execution of the said Award or Instrument, for the Passage of Cattle, Carts and Carriages, in, by and through the same, unless the several Parties interested therein shall agree that the same shall sooner be made up: **Provided also, and it is hereby Declared and Enacted,** That all Fences, Trees, Underwoods, Hedges, Bushes or Shrubs, standing or growing upon or in any of the *Lammas* or Field Closes, and the Buildings thereupon erected, and all other Trees, Hedges, Fences and Bushes growing upon any other Lands and Grounds, shall be valued by the said Commissioners, or any three or more of them; and such Consideration shall be paid for the same to the respective present Owner or Owners of the said Land or Ground whereon the same shall stand or grow, as the said Commissioners, or any three or more of them, shall think reasonable, by such Person or Persons to whom the same Land or Ground shall be allotted; or it shall and may be lawful to and for such former Owner and Owners thereof, respectively, if he, she, or they shall not think proper to accept such Consideration as aforesaid, to enter into and upon the Lands and Grounds, upon which such Buildings, Trees, Underwoods, Hedges, Bushes or Shrubs shall be standing and being, and to take, fell, and cut down, and with Horses, Carts and Carriages, to take and carry away the same

Trees and Fences to be valued.

same at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit, within six Months next after such Allotment, or such other Time as the said Commissioners, or any three or more of them, shall appoint for that Purpose.

And whereas there are several ancient Inclosures which lie at a considerable Distance from the Houses and Grounds of the present Proprietors thereof, but contiguous to the Lands and Grounds, and very commodious to the Owners and Proprietors of other Houses or ancient Inclosures there, and if exchanged for other ancient Inclosures or Lands in the open and common Fields of *Quorndon* aforesaid, might be of great Conveniency to such Proprietors; **Be it therefore Enacted**, by the Authority aforesaid, That if any of the said Proprietors of such ancient Inclosures as aforesaid, from and after the passing this Act, shall agree with any other Proprietor or Proprietors of such ancient Inclosures, or of Lands and Grounds in the said Fields or Meadows, for the Exchange of any such Lands or Grounds, and shall signify their Desire of such Exchange, and give in a particular Account of the Lands so intended to be exchanged to the said Commissioners, or any three or more of them, on or before the said first Day of *October* next coming; that then it shall and may be lawful to and for the said Commissioners, or any three or more of them, and they are hereby authorised and impowered to rate and value the Lands of each of the respective Proprietors, so desirous to exchange, and allot and assign to the Party giving up such ancient Inclosure or Inclosures such Portion or Quantity of Ground out of the Lands and Grounds of the said other Proprietors so exchanging, either in the said ancient Inclosure or open Fields, or both, as the said Parties shall have agreed as aforesaid, Quality and Situation considered, as shall in the Judgment of the said Commissioners, or any three or more of them, be of equal Value with the Lands so agreed to be exchanged as aforesaid; and the said Lands, when so exchanged, shall be and remain to such and the same Uses, and for such and the like Estate and Estates, Trusts and Limitations, as the Lands so exchanged were settled and limited before such Exchange was made; and that such Exchange be valid and effectual in Law to all Intents and Purposes, notwithstanding any Settlement, Trust, Limitation or Use of the Lands or Grounds so exchanged as aforesaid, or of any Part thereof, or notwithstanding any Want of Title in the Parties so exchanging.

And whereas, within the said Lordship or Liberty of *Quorndon*, there are several Cottages or Tenements standing upon the waste or common Ground within the said Manor or Lordship, belonging to the said Earl of *Huntingdon*, and there are also several small Pieces or Parcels of Ground adjoining thereto, and used and enjoyed by the respective Tenants residing in the said Cottages or Tenements, **Be it therefore Enacted**, That it shall and may be lawful to and for the

Exchanges
may be made.

Cottages vested
in the said
Earl.

said Earl, and his Heirs and Assigns, at all Times for ever hereafter, to hold and enjoy the said several Cottages or Tenements, and also to hold and enjoy inclosed, or in such other Manner as he or they shall think proper, the said several Pieces or Parcels of Ground adjoining and used with the said Cottages or Tenements, for his and their own Use and Benefit; and the same shall be from henceforth deemed and taken as his and their Freehold, and to be held and enjoyed by him and them accordingly, any Law, Usage or Custom to the contrary notwithstanding; and that the said Pieces and Parcels of Land shall not be deemed Part of the Lands to be allotted to the said Earl for his Property and Interest in the Lands to be inclosed by Virtue of this Act.

Commis-
sioners to make
an Award.

And, for preventing Differences and Disputes relating to the said Divisions and Inclosure, **it is hereby Enacted** by the Authority aforesaid, That as soon as conveniently may be after the said Commissioners, or any three or more of them, shall have compleated and finished the said Partitions and Allotments of the said Lands and Grounds, hereby intended to be divided and inclosed as aforesaid, pursuant to the Purport and Direction of this Act, and all other Matters and Things, by Virtue of this Act, in them reposed, they, or any three or more of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain the Quantity in Statute-Measure of Acres, Roods and Perches contained in the said Fields, Meadows and Commons, so intended to be inclosed as aforesaid, and the Quantity of each and every Part and Parcel thereof assigned and allotted to each and every of the said Proprietors intitled to and interested in the same, and a Description of the Situation, Buttals and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for making and laying out such Roads, and the Breadth thereof, and the making public and private Bridges, Fords, Causeways, Sluices, Cuts, Drains and Banks, and also for and concerning the laying out, making, supporting, cleansing and keeping in Repair such private Ways, Hedges, Fences, Bridges, Fords, Sluices, Cuts, Drains, Banks, Ditches, Gates and Stiles, as they the said Commissioners, or any three or more of them, shall think convenient; and also all such other Orders, Regulations and Determinations as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act; two Parts of which said Award or Instrument shall be fairly ingrossed and written on Parchment, and signed and sealed by the said Commissioners; or any three or more of them; and one Part thereof shall, within six Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled by the Clerk of the Peace for the said County of *Leicester* for the Time being, or in any of his Majesty's Courts of Record at *Westminster*, and the other Part thereof shall

shall be put into and kept in the Box or Chest wherein the Papers relating to the Parish of *Quorndon* aforesaid are usually kept, to the end Recourse may be the more readily had to the same by any Person or Persons interested in the said Divisions and Inclosure; and a Copy of that Part which shall be so inrolled, and attested by the proper Officer where the same shall be so inrolled as aforesaid, shall, from Time to Time, be admitted in all Courts whatsoever as legal Evidence; which Copy the said Officer for the Time being is hereby required to make and deliver to any Person or Persons requiring the same, he or they paying for such Copy after the Rate of Twopence per Sheet, each Sheet to contain seventy-two Words; and which said Award or Instrument shall be binding and conclusive unto and upon all the Parties interested in the said intended Division, Inclosure and Allotments.

And it is hereby further enacted, by the Authority aforesaid, That the several Lands, Grounds and Commons to be divided, assigned, set out, allotted and appointed unto and for the several Persons, who by virtue of this Act shall be intitled to the same, shall be in full Barr of, and as a Satisfaction and Compensation for, his, her and their several Pieces and Parcels of Land and Ground, which he, she or they had before the passing this Act, or immediately before the said Allotments made, and which were and are lying dispersed in the said Fields and Meadows; and also in full Barr, Satisfaction and Compensation for all Right of Common, and also all other Right whatsoever, in, over and upon the said several Commons; and that from and immediately after the making the said Divisions and Allotments, and the Execution of the said Award or Instrument of such Tenor and Purport, as aforesaid, or so soon after as the said Commissioners, or any three or more of them, shall, by their said Award or Instrument, appoint, all Right of Common belonging to or claimed by all and every the said Owners, Proprietors or Occupiers of Lands, Tenements or other Hereditaments in *Quorndon* aforesaid, in, over and upon all or any of the said Fields, Meadows and Commons, and every Part thereof, shall cease, determine, and be for ever extinguished; (except as to their several and respective Rights of Common in, over, and upon the Forest of *Charnwood*, otherwise *Charley Chase*, in the said County of *Leicester*) and that from and after the Execution of the said Award or Instrument, all great and small Tythes, for, upon, or in respect of the Lands and Grounds intended by virtue of this Act to be inclosed, and such of the ancient Inclosure, in Lieu whereof an Allotment of Lands or Grounds in the said Fields, Meadows or Commons, or Compensation in Money, as herein after directed, shall be assigned, shall also cease, and be for ever extinguished; and that all and every Lease and Leases, at rack or extended Rent, subsisting of all or any Part or Parts of the said Fields, Meadows and Commons hereby intended to be inclosed, and all other Agreements, at rack or extended Rent, for

Allotments in
Lieu of Lands
and common
Right.

Right of
Common to
cease.

Leases to be
void.

for any Time or Times therein, shall immediately, upon such Divisions and Allotments being made, and such Award or Instrument being executed, as aforesaid, or so soon after as the said Commissioners or their Successors, or any three or more of them, shall, by the said Award or Instrument, appoint, cease, determine and be void; the respective Lessor, or Landlord of such Lands or Grounds, making such Satisfaction to their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any three or more of them, shall ascertain, as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same.

X Time of Acceptance of Allotments.

And whereas it is requisite that some convenient Time should be fixed, for every Person intitled to any Part of the said intended Inclosure, to accept of their respective Allotments, and Shares, **Be it therefore Enacted**, by the Authority aforesaid, That all and every such Person and Persons, shall, and they are hereby required, to accept his, her and their respective Allotments and Shares, within the Space of six Calendar Months after the Execution of the said Award or Instrument, and Notice to him, her or them, respectively given, by the said Commissioners, or any three or more of them, for that Purpose: And in case any Person or Persons shall neglect or refuse to accept his, her or their Allotment or Allotments, within the Time before-mentioned, such Person or Persons, so neglecting or refusing, shall be totally excluded from having or accepting any Benefit or Advantage by this present Act, and also from any Estate, Interest or Right of Common, or other Property whatsoever, in, or to any of the Lands and Grounds assigned and allotted to any other Person or Persons, by virtue of this Act.

Persons incapacitated, may accept, &c.

Provided always, and be it hereby Enacted, That Executors in Trust, Trustees for charitable and other Uses, Guardians, Husbards, or Trustees of or for any Person or Persons under Age, or otherwise incapable by Law to accept such Allotments as shall be made by the said Commissioners, or any three or more of them, shall be, and are hereby required and enabled to accept thereof, for, or unto the Use of such Person or Persons; and such Acceptance shall be, and is hereby declared to be, as valid and effectual as if the same Person had been of Age, or capable of acting for themselves in their own Right.

Non-claim, &c. not to exclude.

Provided nevertheless, That any Non-claim or Non-acceptance of any Guardian, Husband, Committee, Trustee or Trustees, Tenant for Life, or Attorney, shall not exclude, or any ways prejudice the Claim or Acceptance of any Infant, Feme-Covert, or other Person under such Disability or Incapacity, as aforesaid, who shall claim or accept, within one Year after such Disability or Incapacity is removed; or if any Person or Persons, intitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity,

capacity, who shall claim or accept, within one Year after his, her or their Right, Title or Interest shall have descended to them or accrued.

And it is hereby further Enacted, That from and after the passing of this Act, the said Commissioners, or any three of them, shall order, direct or appoint the Course of Husbandry that shall be used in the Tillage Parts of the said Fields, till such Time as they shall have compleated their said Award; and that all and every Persons Estate, in the said open Fields, Meadows and Commons, shall be liable and subject to such Directions as they shall appoint, as well in regard to the Stocking, as to the Plowing, Tilling, Sowing or laying down the same; but that no Cattle of any Sort or Kind whatsoever, shall be kept in any of the said Fields, Meadows or Commons, longer than the eleventh Day of *November* next after the passing of this Act.

Commissioners may direct Course of Husbandry.

And whereas it may happen, That some of the Owners of the said ancient Inclosures as pay Tithes, may not have any or a sufficient Quantity of Land to be assigned and allotted in lieu of the Tythes of such ancient Inclosures, and it may be for the mutual Benefit, as well of the Owners of such ancient Inclosures as of the said *Ann Bowles, William Burrow*, and his Successors, and the said *Edward Farnham*, respectively, in respect of their said several Tythes severally, to have a Modus or yearly Compensation in Money fixed for the same: **Be it therefore Enacted,** by the Authority aforesaid, that such yearly Rent, Sum and Sums of Money as the said Commissioners, or any three or more of them, shall judge reasonable, shall be issuing and going out of every Statute Acre of such the said ancient Inclosures, and so in Proportion for every less Quantity than an Acre to be paid and payable by the several Owner or Owners, Proprietor or Proprietors of such ancient Inclosures respectively, unto the said *Ann Bowles*, and her Heirs, or the Person or Persons intituled next in Remainder to such the great Tythes, in Lieu of the same; and also such further yearly Sum and Sums to; and for the said *William Burrow* and his Successors, Vicars, as aforesaid, and to the said *Edward Farnham* and his Heirs, in Lieu of their respective small Tythes of such Inclosures, as the said Commissioners, or any three or more of them, shall also judge reasonable; and that the said several yearly Rents or Sums, for each and every such Statute Acre of the said ancient Inclosures, shall become due and payable half yearly, by even and equal Portions, at or on the two most usual Feasts or Days of Payment in the Year, that is to say, the Feast Day of the Annunciation of the Blessed Virgin *Mary*, and Saint *Michael* the Archangel, in every Year for ever; the first Payment thereof, to begin, and be made on such of the said Feast Days, as shall next happen after the Execution of the said Award or Instrument.

Modus for Tythes.

Provided always, and it is hereby further Declared and Enacted, That if the said yearly Rents or Sums of Money, for each Statute Acre of such the said ancient Inclosures, or any Part or Parts

If not paid within thirty Days,

D

thereof,

Power of Distress.

thereof, and in Proportion for any greater or lesser Quantity than an Acre thereof, shall be behind and unpaid by the Space of thirty Days next after either of the said Feasts or Days whereon the same ought to be paid as aforesaid, being lawfully demanded; that then, and so often, and from Time to Time, it shall and may be lawful, to and for the several Person and Persons to whom the said respective yearly Rents or Sums, shall for the Time being belong or appertain, to recover the same several yearly Rents or Sums by Distress and Sale, in the same Manner as Landlords are impowered to recover Rent in Arrear, or in a summary Way, by Complaint in Writing, before two of his Majesty's Justices of the Peace for the said County of *Leicester*, who are hereby authorised and required to hear and determine the same, in such Manner and Form as is directed and enacted for the more easy and effectual Recovery of small Tythes, by an Act passed in the seventh and eighth Years of King *William* the Third, intituled, An Act for the more easy Recovery of small Tythes.

Modus in Part of former Provision for Tythes.

And it is hereby further Enacted, Declared, and Provided, That such the said yearly Rents, Sum or Sums, as shall be so ascertained and fixed for the said ancient Inclosures, to be paid to the said *William Burrow* and his Successors, Vicars, as aforesaid, and to the said *Edward Farnham* and his Heirs, shall be deemed, considered, and taken, as Part of the Provision herein before respectively made and provided for them, in lieu of their Moieties of the said small Tythes; and the said Allotments of Lands, so directed to be made to them of the respective yearly Values of Six Pounds and Ten Shillings, shall abate in Proportion to such respective yearly Rents, Sum or Sums of Money, so to be ascertained and fixed for the said ancient Inclosures, the Owners or Proprietors whereof, not having Land, Ground, or Right of Common, to be allotted in lieu of the Tythes thereof; so that such several Allotments and Money Payments shall, together respectively, make to the said *William Burrow*, and his Successors, the yearly Sum of Six Pounds and Ten Shillings, and to the said *Edward Farnham*, and his Heirs, the like Sum of Six Pounds and Ten Shillings, any Thing herein contained to the contrary notwithstanding.

This Act not to revoke Wills, &c.

Provided always, and be it further Enacted, That nothing in this Act contained, shall extend, or be construed, adjudged, or taken to extend to revoke, make void, alter, or annul any Will or Wills, Settlement or Settlements, Mortgage or Mortgages, or to prejudice any Person or Persons, having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Out-Rent, Fee-Farm Rent, Mortgage, Incumbrances, or other Demand out of, upon, or affecting any Lands or Grounds so intended to be divided and inclosed as aforesaid, or any Part or Parcel thereof respectively; but that each, and every Proprietor shall stand, and be seised of and in the several Lands and Grounds to be assigned and allotted to him, her, or them as aforesaid, by the said intended Division and Inclosure as aforesaid, to such and the same

same Use and Uses, and for such and the same Estates and Interest, and subject to such and the same Wills, Powers, Provisoes, Limitations, Trusts, Charges, Rents, Out-Rents, Fee-Farm Rents, Mortgages, Incumbrances, and Demands, as he, she, or they respectively would have stood seised of, and in his, her, or their several Lands and Grounds, lying in the said Fields and Meadows intended to be inclosed, and of Right of Common as aforesaid, in case the same had remained uninclosed, or this Act had not been made; any Thing herein contained to the contrary thereof, in any wise, notwithstanding.

And whereas several of the Owners and Proprietors of the Lands, Grounds, and Commons intended, or directed to be inclosed as aforesaid, his, her, or their Trustee or Trustees, Committee or Committees, Guardian or Guardians, or Trustees for charitable or other Uses, may have Occasion to borrow Money, to pay and defray their respective Shares and Proportions of the Charges and Expences incident to, and attending such Division and Inclosure, and the obtaining and passing this Act, and the necessary Subdivisions of the said Allotments, and of borrowing Money for those Purposes, and cannot, by reason of some Settlement or Settlements already made of the Lands, Grounds, and Premises, or some Part thereof, or some other Impediments, Incapacities, or Incumbrances, respectively affecting the same, make an effectual Security thereof, for the Money wanted to be raised and borrowed for the Purposes aforesaid: **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, and Trustees for charitable or other Uses, and to and for every of them, for the Time being, and to and for all Persons acting as Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or Trustees for charitable or other Uses, and to and for every of them for the Time being, and to and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life only, and to and for every of them respectively, for the Time being, by and with the Consent and Approbation of the said Commissioners, or any three of them, testified in Writing, under their Hands and Seals, from Time to Time, to charge the Lands and Grounds which shall be assigned and allotted to them, the said Owners and Proprietors, respectively, by Virtue and in Pursuance of this Act, with any Sum or Sums of Money, not exceeding Three Pounds, for each Acre, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds, so to be assigned and allotted, unto such Person or Persons as shall advance and lend the same, respectively, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money, thereby

Proprietors
may borrow
Money to
inclose.

to be secured, with the Interest thereof, shall be fully paid and satisfied; and if such Grant or Demise be made by any Tenant for Life, or Tenant in Tail, with a Proviso that the Person intitled in Remainder or Reversion, shall not be liable upon his or her becoming possessed of the Premises, to the Payment of any further Sum on account of or for the Interest Monies, than for one Year in respect of the Monies charged upon such Lands.

Grants, &c.
to be valid.

And it is hereby further Enacted and Declared, That every such Grant, Mortgage, Lease, or Demise of the said Ground, Land, and Premises, or any Part or Parts thereof, so to be made in Pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes hereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such, or in the said Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrances of or concerning the same Grounds, Lands, and Premises, or any Part or Parts thereof, then in being, or capable of taking Effect to the contrary notwithstanding.

Trustees not
choosing to
mortgage,
Commissioners
may allot
Land.

And it is hereby also further Enacted and Declared, That in case any Person or Persons, Owner or Owners, Proprietor or Proprietors of Lands or Grounds, or intitled to a Right or Rights of Common within the said Lordship or Liberty of *Quorndon*, as a Trustee or Trustees for any Church, Hospital, School, or other charitable or public Use, shall not choose to borrow and take up Money at Interest for defraying and discharging the Expences incident to, and attending such Division and Inclosure, and the obtaining and passing this Act, and the necessary Subdivisions of his, her, or their Allotment or Allotments, as herein before is provided, and shall signify, in Writing, under his, her, or their Hand or Hands, their Disapprobation thereof, to the said Commissioners, or any three or more of them, on or before the said first Day of *October* next following the passing of this Act; that then, and in such Case, the said Commissioners, or any three or more of them, shall assign, and allot unto and for the other Owners and Proprietors of Lands, Grounds, and Common Rights, so much, and such Parcel and Quantity of the Lands, Grounds, or Common Rights of such Trustee or Trustees, as shall, in the Judgment of the said Commissioners, or any three or more of them, be equal in Value, upon the inclosure thereof, to such Charges and Expences, supposing or considering the said other Owners or Proprietors of Lands, Grounds, and Common Rights, actual Purchasers of the Fee Simple thereof; and then also, and in such Case, the said Commissioners, or any three or more of them, having made such Allotment or Allotments to the said other Owners or Proprietors, shall, in and by their said Award or Instrument, direct and appoint the said other Owners or Proprietors, to whom such Allotment or Allotments shall be made, to pay and discharge all such Costs, Charges, and Expences which the said

Trus-

Trustee or Trustees would have been liable to have paid and discharged, agreeable to the Tenor of this Act, in case this Provision had not been made; and the said other Owners or Proprietors shall accordingly bear, pay, and discharge the same, in the same Manner as their own Expences and Charges are herein provided and directed to be paid and discharged.

Provided also, and it is hereby further Enacted, That all and every Trustee and Trustees for any charitable or other Use as aforesaid, who shall borrow and take up Money upon their respective Allotments, to be made by virtue of this Act, for the necessary defraying and discharging their respective Parts and Shares of the Expences of passing and obtaining this Act, and all other their Charges relative and incident to the Inclosure of their said Allotments, shall and may, from Time to Time, if he or they shall see convenient, or think proper, after Payment of the Interest Monies arising and becoming due for the principal Monies so borrowed, pay and apply the Overplus of their several improved Rents, arising by virtue of the said intended Inclosure, in discharge of the Principal Monies so by them respectively borrowed, until such Time as the whole of such Monies shall be fully paid and satisfied.

Trustees may
apply over-
plus Rents.

And whereas, by Experience, it has been found that the keeping of Sheep within the Allotments upon an Inclosure, for a certain Space of Time, has been very prejudicial and detrimental to the Quicksets planted for raising of Fences to bound such Allotments, and the Subdivisions of the same, **it is therefore hereby further Enacted and Declared,** That no Owner or Occupier of Land or Ground to be allotted by Virtue of this Act, shall, for the Space of five Years next following the Execution of the said Award or Instrument, keep or depasture any Sheep, within the Lands or Grounds hereby intended to be inclosed, unless such Person or Persons, Owner or Owners, Occupier or Occupiers of such respective Allotment or Allotments, where such Sheep shall be intended to be kept, shall first make a good and sufficient Fence, as well against their own Fence or Fences, directed by them to be made, as against the Fence or Fences made to bound the Allotments of the Person or Persons whose Lands or Allotments shall adjoin to such their said Allotment or Allotments, in order that the Destruction and Spoil in the Growth of the Quicksets may be prevented; each and every Owner and Occupier of every Allotment having first made a good and sufficient Fence against great Cattle, by Post and Rail, or otherwise.

Against de-
pasturing
Sheep upon
the Allot-
ments,

unless suffi-
cient Fences
are made.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any three of them, do and shall, and they are hereby required to give public Notice in the *Leicester or Nottingham News-Paper*, of the Time and Place of their first Meeting, and of every other Meeting of the said Commissioners, for the executing the Powers hereby vested in them, at least fourteen

Notice of
Commission-
ers Meet-
ings.

Days before such Meetings, Meetings by Adjournment only excepted.

Election of
new Com-
missioners.

And it is further Enacted, by the Authority aforesaid, That when, and as often as any one or more of the said Commissioners appointed by this Act, or to be elected in Manner herein after mentioned, shall die, or refuse to act, the Persons, who respectively, for the Time being, shall be interested in the said Fields, Meadows, and Commons intended to be inclosed as aforesaid, or the major Part of them, in Number and Value, do and shall, from Time to Time, within two Calendar Months next after the Death or Refusal of such Commissioner or Commissioners so dying or refusing to act, by Writing under their Hands and Seals, appoint one or more Commissioner, or Commissioners, not interested in the said intended Inclosure, instead of such Commissioner, or Commissioners, dying or refusing to act as aforesaid; and every Commissioner, or Commissioners, to be appointed as aforesaid, shall have the like Power and Authority, by Virtue of this Act, as the Commissioner, or Commissioners, in whose Place or Places he or they shall succeed, was or were vested with, provided that Notice be given in Writing, to be affixed on the Church Door of *Quorndon*, and in the *Leicester* or *Nottingham* News-Papers as aforesaid, of the Time and Place of chusing such Commissioner, or Commissioners, at least fourteen Days before every such Meeting.

Persons refusing to inclose,
Commissioners may.

Provided always, and be it further Enacted, That in case any Person or Persons shall refuse or neglect to inclose, hedge, ditch and fence his, her or their Share or Allotment, Shares or Allotments, within six Calendar Months next after the said Commissioners shall have made their aforesaid Award, that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any three of them, to inclose, hedge, ditch and fence such Person or Persons Share or Shares, Allotment or Allotments, who shall so refuse or neglect as aforesaid, and the Expences thereof to be paid in Manner herein after directed.

Expences of
this Act, how
to be paid.

And it is hereby further Declared and Enacted, by the Authority aforesaid, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of surveying and admeasuring, planing, valuing, dividing and allotting the Lands and Grounds, so intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and the Charges of making the said public Roads, and all other the necessary Charges and Expences of the said Commissioners, and other necessary Expences about and concerning the said Premises, shall be borne and defrayed by all the Proprietors and Owners (except the said *Ann Bowles*, in respect of the Lands or Grounds to be allotted, and Provision made to her in lieu of her said Tythes, as well of the said open Fields, Meadows, and Commons

as of the said ancient Inclosures, and the said *William Burrow*, and his Successors, in respect to the Provisions made for him and them) according to the Value of the Lands and Grounds of each and every Proprietor and Owner (the Proprietors or Owners of the said ancient Inclosures bearing only a proportionable Part of such Expence and Charges, equal, in the Judgment of the said Commissioners, or any three or more of them, to the Improvement of the other Proprietors of Lands and Grounds in the said Fields, Meadows and Commons intended to be inclosed) the whole of all such Expences and Charges to be settled, adjusted and determined by the said Commissioners, or any three of them; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her or their Share or Proportion, Shares or Proportions, of such Charges or Expences, or the Charges and Expences of inclosing, hedging, ditching and fencing his, her or their Shares and Allotments, within the Time to be limited by the said Commissioners, or any three of them, to such Person or Persons as they, or any three of them, shall appoint to receive the same; that then, and in either of the said Cases, the said Commissioners, or any three of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattles, after deducting the Costs and Charges of taking or making such Distress or Distresses, and Sale or Sales; or otherwise it shall and may be lawful to and for the said Commissioners, or any three of them, to enter into and upon the Premises, so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby, or therewith, the Share or Shares, Proportion or Proportions, of the said Costs and Charges to be directed, awarded and appointed by the said Commissioners, and the Expences of inclosing, hedging, ditching and fencing as aforesaid, to be paid by such Person or Persons as aforesaid, and also all Costs, Charges and Expences, occasioned by or through, or attending such Entry upon, or Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied; or otherwise it shall and may be lawful, to and for the said Commissioners, or any three of them, and they are hereby authorised and impowered to borrow and take up at Interest, such Sum and Sums of Money as they shall think necessary and sufficient to pay and defray such Share and Proportion of the said Charges and Expences, and also the Expences of inclosing, hedging, ditching and fencing as aforesaid, and all the Expences of borrowing and taking up such Money, by Indenture or Indentures under their Hands and Seals, from Time to Time, to grant, mortgage, lease or demise the Lands or Grounds so to be allotted to such Person or Persons so

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refusing or neglecting as aforesaid, to any Person or Persons whomsoever, who shall be willing to advance the same, his, her and their Executors, Administrators and Assigns, for any Term or Number of Years, for securing the same with Interest, with Power of Redemption in the Owners and Proprietors thereof, on Payment of the principal Money and Interest.

Vicars Fences.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That the said *William Burrow*, and his Successors, Vicars, as aforesaid, shall not be at any Expence in making the Ring-Fences of the Lands and Grounds to be allotted to him or them in Manner aforesaid, nor the said *Ann Bowles*, or her Heirs, or the Person or Persons intitled in Remainder to the said Tythes, in respect of the Lands or Grounds to be allotted to her in lieu of her said Tythes of the said open Fields, Meadows and Commons, but the same shall be born and paid by the said several Owners and Proprietors of Lands and Grounds, and Persons intitled to Right of Common within the said Lordship or Liberty of *Quorndon* aforesaid, in such Manner, and in such Proportion, as the said Commissioners, or any three of them, shall direct; and in case of Refusal of Payment by any of the said Owners or Proprietors, the said Commissioners, or any three of them, are hereby authorised, for enforcing the Payment thereof, to pursue such and the same Methods as are hereby ordained for procuring the Expences of the said intended Inclosure.

X.
Mortgages,
&c. may be
transferred.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That all and every other Person and Persons to whom any Grant, Mortgage, Lease or Demise shall be made, by the said Commissioners, or any three of them, as a Security for any Sum or Sums of Money by him, her, or them lent and advanced on the Credit, and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of two credible Witnesses, assign or transfer the same Security or Securities, or the principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her or their Right, Title and Interest, in and to the same, unto any Person or Persons whatsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may, use, take and pursue, all such lawful Methods, Courses and Expedients in the Law or Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged, demised or assigned, as aforesaid, in case of Non-payment of the principal Money and Interest to be thereby

se-

secured, or any Part thereof, as is or are used, taken and pursued in all Cases of the like Nature.

And whereas the said *William Burrow*, as Vicar of the said Parish of *Barrow upon Soar* aforesaid, is incapacitated to make any Lease or Leases of the Lands or Grounds to be allotted to him as Vicar of *Barrow upon Soar* aforesaid, for any longer Time or Term than during the Term of his own Life; by reason whereof the said Lands or Grounds hereby intended to be allotted to him, cannot be properly improved; nor can the said *William Burrow* receive the Benefit and Advantage therefrom, he otherwise might, in case he was enabled to make a Lease or Leases of the same Premises for a certain Term of Years: **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the said *William Burrow*, and his Successors, as Vicars, as aforesaid, by and with the Consent and Approbation of the said Master, Fellows and Scholars of *St. John's College* aforesaid, to grant any Lease or Leases, to any Person or Persons, of the Lands and Grounds to be allotted to the said *William Burrow* and his Successors, as Vicars, as aforesaid, by virtue of this Act, or of any Part thereof, for any Term or Number of Years, not exceeding twenty-one Years; so as the same shall commence within six Months next after the making the said Award or Instrument, and so as no Fine shall be taken; and the Rent or Rents reserved thereby, shall be made payable to the Vicar of the said Parish for the Time being, and his Successors, with the usual Power of Distress and Re-Entry on Non-Payment, and other necessary Clauses be contained therein, as usual in Cases of the like Nature; any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

And whereas the Owners and Occupiers of Lands and Grounds, and Persons intitled to Right of Common within the said Lordship or Liberty of *Quorndon*, and the Owners and Occupiers of Lands and Grounds, and Persons intitled to Right of Common within the Lordship or Liberty of *Mountsorrel*, in the said County of *Leicester*, have heretofore had, held and enjoyed Common of Visnage, in, over and upon certain Parts and Parcels of the said Lordships or Liberties of *Quorndon* and *Mountsorrel*: **It is therefore hereby further Enacted**, That as the Lands and Grounds, within the said Lordship or Liberty of *Quorndon*, will, by virtue of this Act, be inclosed and held in Severalty, that all and every Owner and Proprietor of Land and Ground, and Persons intitled to Right of Common within the said Lordship or Liberty of *Quorndon*, in respect of their Lands, Grounds and Commons there, shall not, from and immediately after the passing this Act, have Claim, or be any ways intitled to any Right or Rights of Common, in, over or upon any Part or Parts of the said Lordship or Liberty of *Mountsorrel*, but that all and every such Rights, Privileges and Conveniencies, shall, from the passing of this Act, be for ever

extinguished; and the Owners or Proprietors, and Persons intituled to Right of Common within the said Lordship or Liberty of *Mountforrel*, shall have, hold and enjoy all Right of Common there, in Severalty, from the said Owners or Proprietors, and Persons intituled to Right of Common within the said Lordship or Liberty of *Quorndon*, in respect of their Lands, Grounds and Commons therein; and that the Owners or Proprietors, or Persons intituled to Right of Common within the said Lordship or Liberty of *Mountforrel*, in respect of their Lands, Grounds or Common Right there, shall not hereafter have Claim, or be intituled to any Right or Rights of Common, in, over or upon any of the Lands or Grounds hereby intended to be inclosed; any Law, Usage or Custom to the contrary notwithstanding.

Saving of
Rights to the
Lord of the
Manor.

Provided always, and it is hereby further Enacted, That the Right of Soil, in and of all and every the public Roads so to be set out and appointed as aforesaid, shall remain or be vested in the said Earl of *Huntingdon*, his Heirs and Assigns, as Lord or Lords of the Manor of *Quorndon* aforesaid for ever; and that nothing in this Act contained, shall prejudice, lessen or defeat the Right, Title, or Interest of the said Earl of *Huntingdon*, his Heirs and Assigns, as the Lords of the said Manor, or Lordship of *Quorndon* aforesaid, within the Jurisdiction or Limits whereof the said Fields, Meadows, and Commons, hereby directed to be inclosed, or any Part thereof, are lying and being, or of, in and to the Signiories or Royalties incident or belonging to the said Manor or Lordship; but the said Earl, and his Heirs and Assigns, shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Rents, Services, and Courts, Perquisites and Profits of Courts, and all other Royalties, and Privileges to the said Manor or Lordship incident, appendant, belonging, or appertaining (other than, and except the Right of Soil, and such Common of Pasture, or other Common Right, as can or may be claimed, or belong to him or them respectively, in, over and upon the Premises so directed and appointed to be allotted to the several Proprietors aforesaid) in as full, ample, and beneficial Manner to all Intents and Purposes, as he or they ought to, or might, have held, or enjoyed the same before the passing this Act, or in case the same had never been made.

General
Saving.

Saving to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies politic and corporate, his, her, and their Successors, Executors, and Administrators (other than, and except the said *Francis* Earl of *Huntingdon*, *Ann Bowles*, *William Burrow*, *Edward Farnham*, *Sir Wolstan Dixie*, *Sir John Danvers*, *Hugo Meynell*, *James Modyford Heywood*, and all other Persons to whom any Allotment or Allotments of Lands shall be made by Virtue of this Act) all such Estate and Interest as they, every or any of them had or enjoyed of,
in

in, to, or in respect of the said Fields, Meadows and Commons, before the passing this Act, or would or ought to have had, or enjoyed, in case the same had not been made; but no such other Person or Persons, Bodies politic or corporate, his, her, or their Heirs, Executors, Administrators or Successors, shall have Power to defeat the End and Design of this Act, by avoiding, impeaching, or any wise disturbing any of the several Divisions, Allotments or Appointments of Lands and Grounds to be made in pursuance thereof; but he, she, and they shall be so far bound by this Act as to accept the several Allotments and Appointments, which shall be allotted and assigned by Virtue of this Act, in lieu of all such Lands, Grounds and Common-Right, as he, she, or they shall claim to be intitled to, or would have been intitled to, in case this Act had not been made; and all and every such other Person and Persons, Bodies politic and corporate, his, her, and their Heirs, Executors, Administrators and Successors, shall be intitled to recover such Lands, Grounds, and Commons, so to be allotted and assigned in lieu as aforesaid, and no other, as fully as he, she, or they would have been intitled to have recovered the Lands, Grounds and Common-Right, in lieu of which such Allotments and Appointments shall be allotted as aforesaid.

AN
ACT
FOR

Dividing and inclosing the several open
and common Fields, Meadows and
Commons, within the Lordship or Li-
berty of Quorndon, in the County of
Leicester.